IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 224 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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NANAKRAM DOLATRAM BHAMBHANI

Versus

NEW RAIPUR BHAJIYA HOUSE, PROP. NATVARBHAI P LODHA

Appearance:

PARTY-IN-PERSON for Petitioner No. 1

RULE SERVED for Respondent No. 1

CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 28/08/2002

ORAL JUDGEMENT

Heard Mr. Nanakram Dolatram Bhambhani, the party-in-person who is the applicant-revisionist in this Civil Revision Application. Though the Rule was served on the respondent, no one appears. In this Civil Revision Application, the applicant-revisionist has challenged the order passed by the learned City Civil Judge, Ahmedabad, below Chamber Summons, Exh. 19 in

Civil Suit No. 399/93. The said application was preferred by the applicant-revisionist for expeditious hearing of the suit as the suit was filed in 1993. The applicant-revisionist has also made a prayer with regard to appointment of Court Commissioner in the said Chamber Summons. However, while disposing of the said application, the learned Judge has come to the conclusion that since large number of old suits were pending and awaiting for hearing that application cannot be entertained. There was no finding given by the ld. trial Judge so far as the applicant's prayer for appointment of Court Commissioner is concerned.

2. Normally, this Court would not have interfered in the interlocutary order passed by the trial Court, while exercising the revisional jurisdiction under Section 115 of the CPC. However, looking to the facts and circumstances of the case, the trial Court is directed to decide the suit as expeditiously as possible preferably within the period of 6 months from the date of receipt of writ from this Court or from the date of certified copy of the order whichever is earlier. The applicant-revisionist is permitted to move a separate application for appointment of Court Commissioner if he deems fit to do so.

3. With the above observations, the present Civil Revision Application is disposed of. Rule is made absolute to the above extent with no order as to costs.

rmr. [K.A. Puj, J.]